

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Summit Avenue, 1400' W of
the c/l of Harford Road
(2829 Summit Avenue)
9th Election District
6th Councilmanic District
Richard C. Jager, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-287-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Richard C. and Gail H. Jager. The Petitioners request relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) height of 19.2 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1993 that the Petition for Administrative Variance requesting relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) height of 19.2 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no commercial use of the subject garage and storage within the garage is limited to the personal property of the Petitioners.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.
- 5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 9, 1993

Mr. & Mrs. Richard C. Jager
2829 Summit Avenue
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S of Summit Avenue, 1400' W of the c/l of Harford Road
(2829 Summit Avenue)
9th Election District - 6th Councilmanic District
Richard C. Jager, et ux - Petitioners
Case No. 93-287-A

Dear Mr. & Mrs. Jager:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ronald M. Kearney
102 N. Main Street, Bel Air, Md. 21014

People's Counsel

File

ZONING DESCRIPTION FOR 2829 SUMMIT AVENUE ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 6

Beginning at a point on the south side of Summit Avenue which is 50 feet wide at a distance of 1400 feet from the center of Harford Road, thence South 46 degrees 39 minutes 54 seconds West 447.38 feet, South 43 degrees 00 minutes 43 seconds East 100.00 feet, North 46 degrees 39 minutes 54 seconds East 270.00 feet, North 12 degrees 45 minutes 59 seconds East 62.75 feet, North 43 degrees 20 minutes 06 seconds West 20.00 feet, North 46 degrees 39 minutes 54 seconds East 141.53 feet, and North 62 degrees 32 minutes 13 seconds West 47.65 feet to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-287-A Towson, Maryland

District: 9th
Posted for: Variance
Petitioner: Richard & Gail Jager
Location of property: 2829 Summit Ave. 1400' from Harford Rd
Location of Sign: Along roadway, on both sides of lot
Remarks: None
Posted by: Matthew
Number of Signs: 1
Date of Posting: 3/14/93
Date of return: 3/16/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 24, 1993

Mr. and Mrs. Richard C. Jager
2829 Summit Avenue
Parkville, MD 21234

RE: Case No. 93-287-A, Item No. 300
Petitioner: Richard C. Jager, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Jager:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 3, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at
2829 SUMMIT AVENUE
PARKVILLE MD. 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (please describe in practical detail)

THE RECENTLY CONSTRUCTED HOUSE HAS LIMITED STORAGE SPACE AND THE ADDITIONAL 4 FEET SPACE IN THE GARAGE WOULD ALLEVIATE THIS PROBLEM. STRICT COMPLIANCE WITH THE REQUIREMENT WOULD BE A PRACTICAL DIFFICULTY AT THIS TIME. THE ADDITIONAL HEIGHT WOULD NOT BE DETRIMENTAL TO THE NEIGHBORHOOD BECAUSE OF THE LOCATION OF THE GARAGE AND THE TOPOGRAPHY SURROUNDING IT.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a re-posting and advertising fee and may be required to provide additional information.

Richard C. Jager
Signature
RICHARD C. JAGER
Name of Affiant
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
GAIL H. JAGER
Signature
GAIL H. JAGER
Name of Affiant

I HEREBY CERTIFY, this 2 day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard C. Jager
Signature
Richard C. Jager
Name of Affiant
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3-2-93
Notary Public
My Commission Expires: 4-23-95



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2829 SUMMIT AVENUE

which is presently zoned D.R. 3,5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2 of the Zoning Regulations of Baltimore County, to permit a height of 19.2 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) THE RECENTLY CONSTRUCTED HOUSE HAS LIMITED STORAGE SPACE AND THE ADDITIONAL 4 FEET SPACE IN THE GARAGE WOULD ALLEVIATE THIS PROBLEM. STRICT COMPLIANCE WITH THE REQUIREMENT WOULD BE A PRACTICAL DIFFICULTY AT THIS TIME. THE ADDITIONAL HEIGHT WOULD NOT BE DETRIMENTAL TO THE NEIGHBORHOOD BECAUSE OF THE LOCATION OF THE GARAGE AND THE TOPOGRAPHY SURROUNDING IT.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser's name
(Type or Print Name)
Signature
Address
City State Zip Code
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip Code
Name Address and phone number of representative to be contacted

RICHARD C. JAGER
(Type or Print Name)
Richard C. Jager
Signature
GAIL H. JAGER
(Type or Print Name)
Gail H. Jager
Signature
2829 SUMMIT AVENUE 661-2843
Address Phone No.
PARKVILLE MD. 21234
City State Zip Code
RONALD M. KEARNEY
Name
102 N. MAIN ST. 879-1441
Address Phone No.
BEL AIR, MD. 21014

A Public Hearing having been requested and/or heard to be required, it is ordered by the Zoning Commissioner of Baltimore County, Inc., that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Reviewed by JCM Date 3-3-93
ESTIMATED POSTING DATE 3-21-93
Zoning Commissioner of Baltimore County
ITEM # 300



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 300 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: March 18, 1993

SUBJECT: 2829 Summit Avenue

INFORMATION:

Item Number: 300

Petitioner: Richard C. Jager

Property Size:

Zoning: D.R. 3.5

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the requested variance, however, a restriction should be placed in the order prohibiting any living quarters, kitchen and bathroom facilities in the garage and limiting storage to the personal property of the occupants of the principal dwelling.

Prepared by: *Jeffrey M. La*

Division Chief: *Carol K...*

PK/JL:lw

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 19, 1993

FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM

SUBJECT: Zoning Item #300
Jager Property, 2829 Summit Avenue
Zoning Advisory Committee Meeting of March 15, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must proceed in accordance with the approved subdivision plan which indicates no disturbance of the forest buffer easement.

JLP:mp

JAGER/DCRMP

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

MARCH 24, 1993

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD C. JAGER AND GAIL H. JAGER

Location: #2829 SUMMIT AVENUE

Item No.: * 300 (JCH) Zoning Agenda: MARCH 15, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carol K...* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEH

111 West Chesapeake Avenue
Towson, MD 21204

March 11, 1993

(410) 887-3353

Richard C. Jager and Gail H. Jager
2829 Summit Avenue
Parkville, Maryland 21224

Re: CASE NUMBER: 93-287-A (Item 300)
5/5 Summit Avenue, 1400' from c/l Harford Road
2829 Summit Avenue
9th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before March 21, 1993. The closing date (April 5, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set up for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

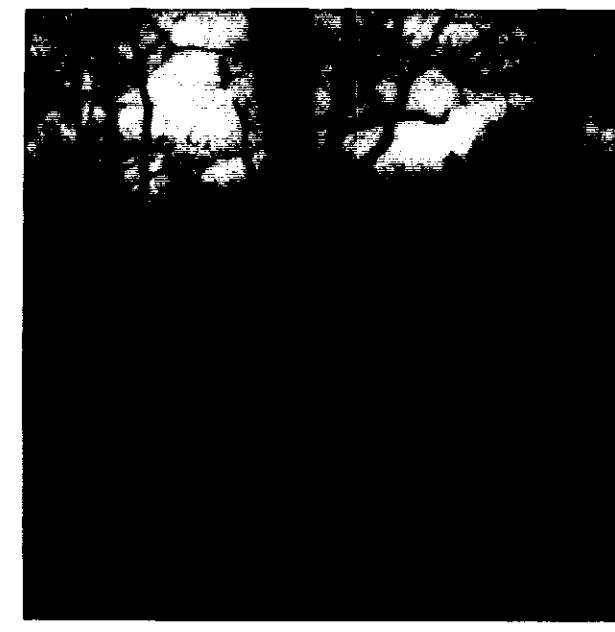
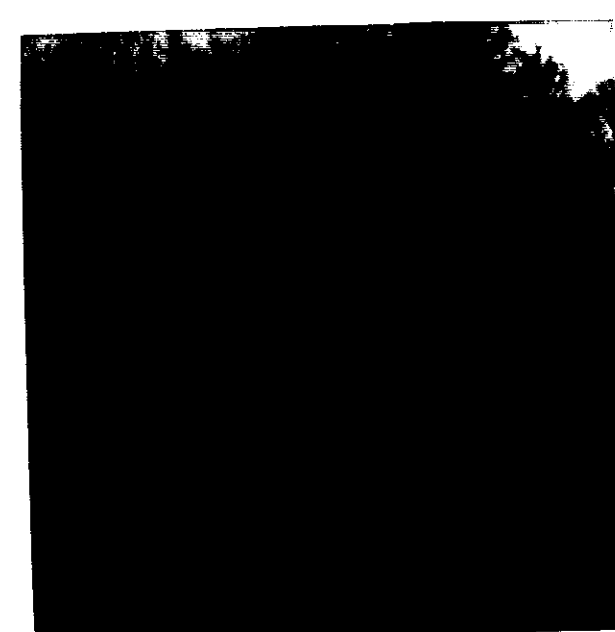
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carol K...
Arnold Jablon
Director

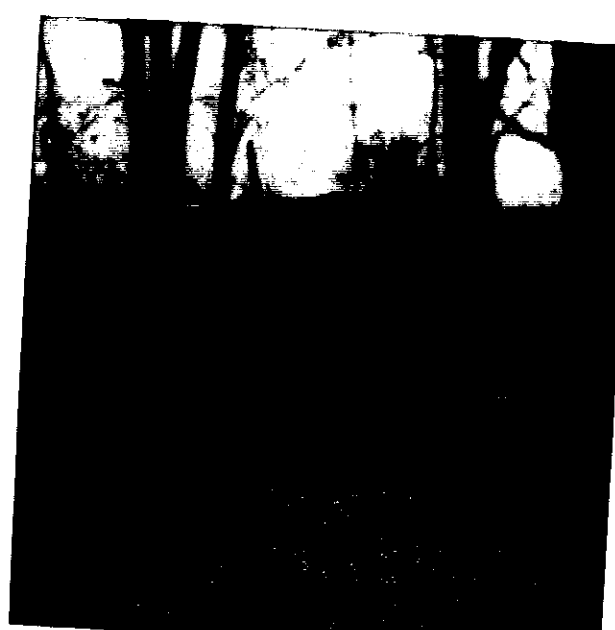
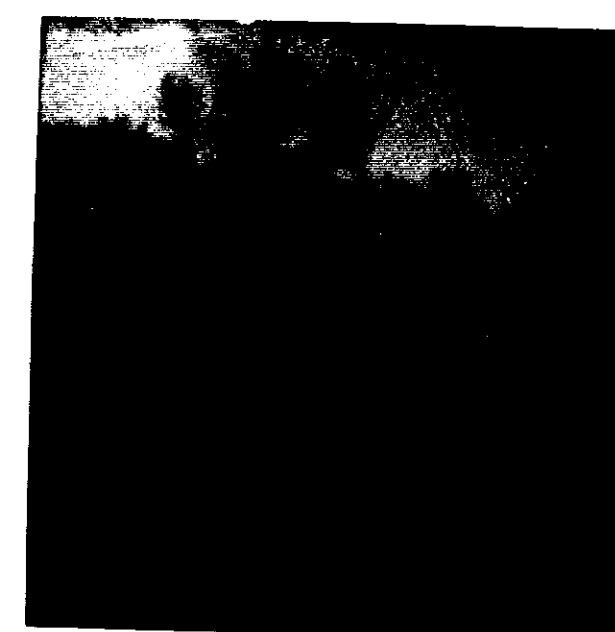
93-287-A

93-287-A



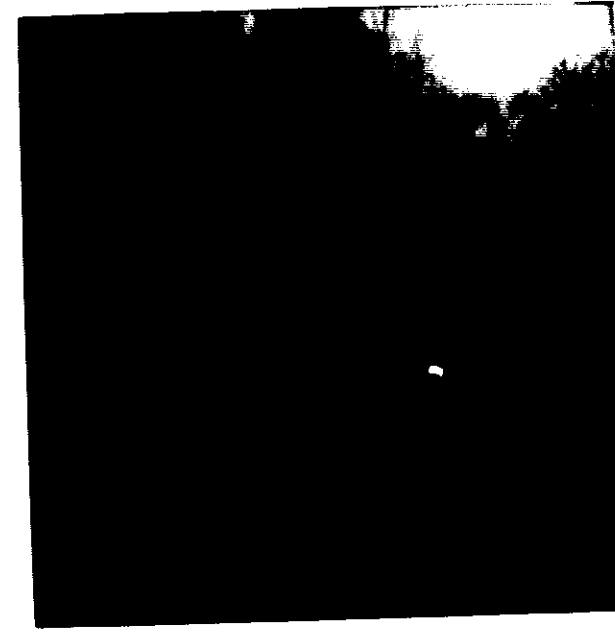
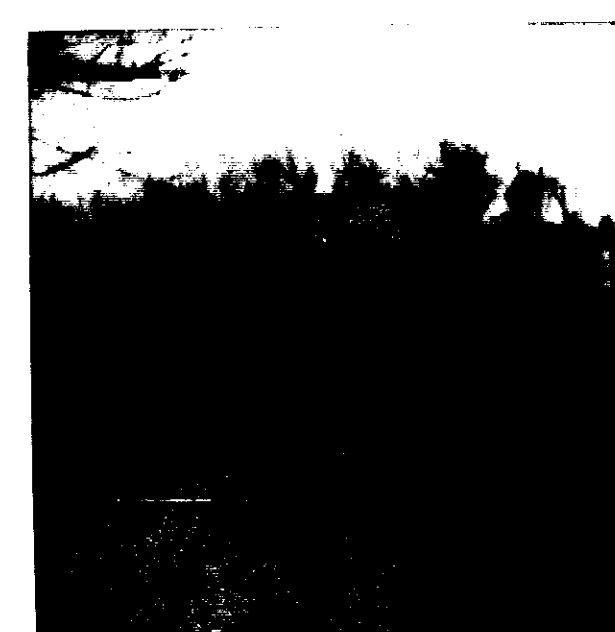
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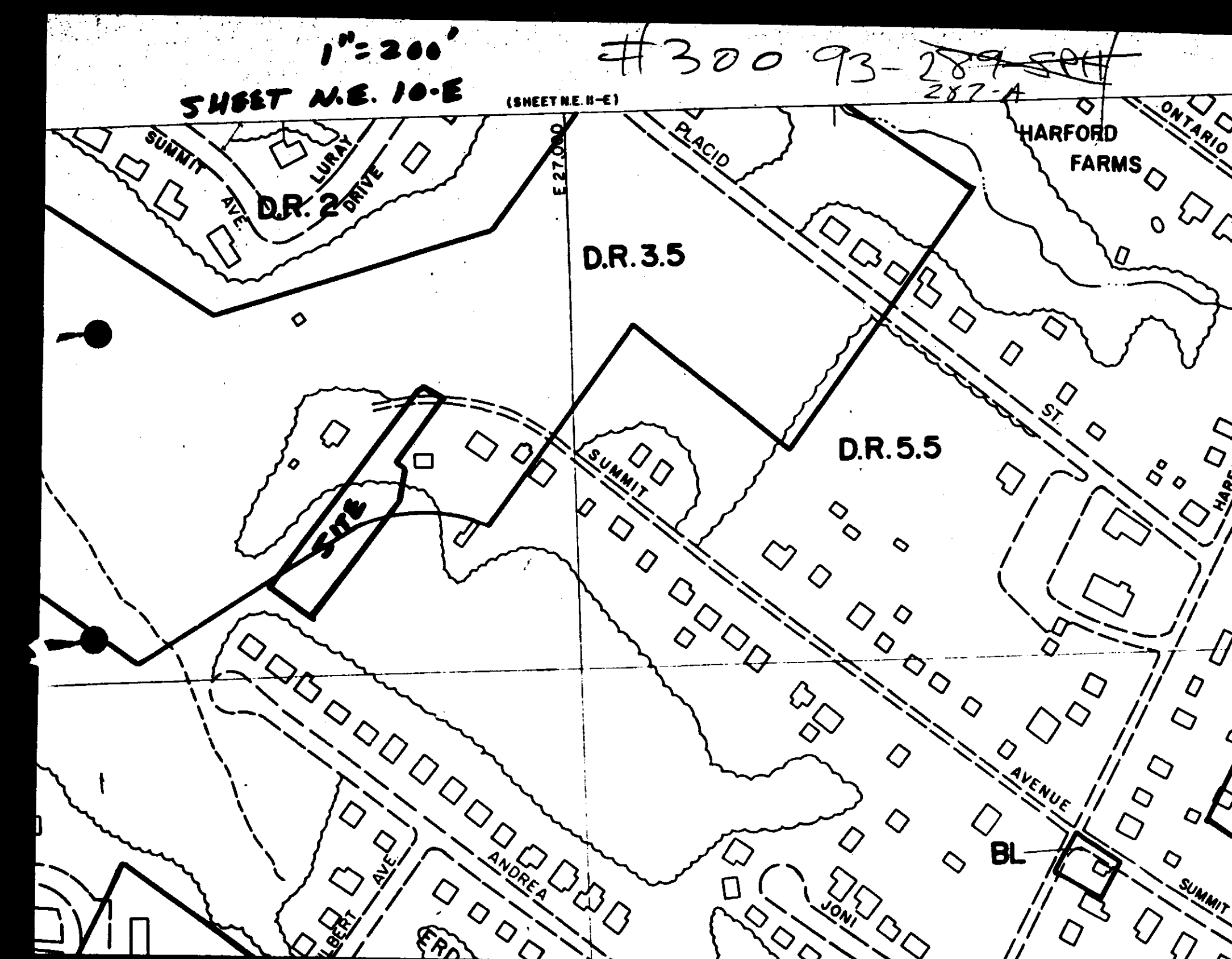
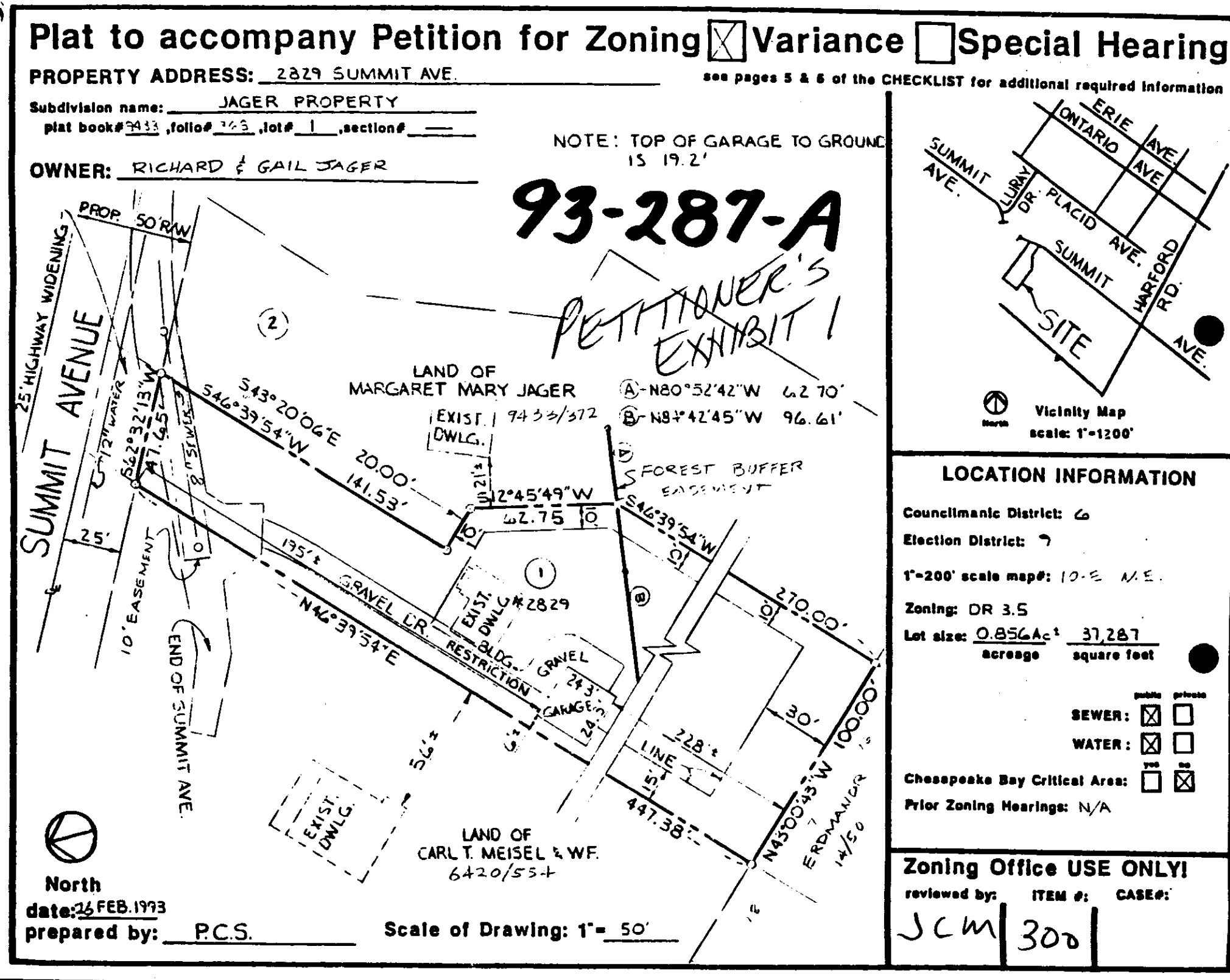
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300
93-289-SM BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

CADASTRAL